United States District Court Southern District of Texas

ENTERED

December 13, 2021 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

PRODUCE PAY, INC.,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	
	§	
FRESH ORGANIC VEGETABLE, INC.	§	
a/k/a FRESH ORGANIC VEGETABLES,	§	
INC, URAQUI S.A. DE C.V., JOSE	§	CIVIL ACTION NO. 7:21-cv-00402
NICOLAS CAMACHO TORO, DIANA	§	
CONTRERAS TELLO, PAOLA	§	
ALMAZAN, 1329729 ONTARIO, INC. t/a	§	
WESTMORELAND SALES,	§	
INVERORGANIC PRODUCE S.A.P.I. DE	§	
C.V.	§	
	§	
Defendants.	§	

ORDER

The Court now considers "Plaintiff's Discovery/Case Management Plan Under Rule 26(f) Federal Rules of Civil Procedure" and "Plaintiff's Response to Order to Show Cause." Plaintiff avers that "the parties have been actively engaged in early settlement discussions that, if successful, will significantly reduce the number of issues and parties in the instant case. Because of this, the parties have not participated in a Rule 26(f) conference in hopes that the settlement will resolve their involvement in the case." Further, Plaintiff provides that "[w]ith respect to service of process, this case involves defendants located in the United States, Canada, and

¹ Dkt. No. 14.

² Dkt. No. 15.

³ Dkt. No. 14 at

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Mexico. As such, service can be complex, time consuming and expensive." Plaintiff further

states that it has actively attempted to reach out to many of the named defendants and have

provided a status report to the Court regarding service of process.⁵

The Court construes these declarations to request a continuance of the initial pretrial

conference and finds good cause for such. Accordingly, the initial pretrial conference and show

cause hearing previously scheduled for December 14, 2021,6 are CANCELLED. Additionally,

the initial pretrial conference is hereby reset for February 11, 2022 at 9 a.m. The Parties are

hereby ORDERED to confer with one another at least 21 days before February 11, 2022 and

submit their discovery plan no later than 10 days before February 11, 2022. Counsel for Plaintiff

is admonished for failing to bring these issues to the Court's attention before the expiration of the

Court's deadlines in this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 13th day of December 2021.

Micaela Alvarez

United States District Judge

⁴ Dkt. No. 15 at 1.

⁵ *Id*. at 2.

⁶ Dkt. No. 2.

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